

The Common Council met immediately following the Water Utility Board on the above date in the Meeting Room at City Hall Annex, with Mayor Knowles presiding and members Askren, Tucker, Rueger, and Cooper attending. Councilman Angel was not present. Others attending were Attorney Funkhouser; Acting Water Supt. Gray; Chief Beloit; Asst. Chief Reese; Supt. Givens; Asst. St. Comm. Miller; Brandon Epison; Ken and Paula Rudibaugh; Larry Williams; Elaine Springer; Cecil Waters; Don Jackson - Moore & Associates; and Jim O'Connor - Countrymark.

Mayor Knowles called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. She added if not, she entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Rueger moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried unanimously.

Mayor Knowles reminded the Audience that anyone wishing to address the Council should approach the podium and state their name and the nature of their business.

Mayor Knowles stated they will now hear the reports of the Standing Committees.

Street & Light Chairwoman Askren stated she has no report.

Asst. St. Comm. Miller stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Police & Dog Chairman Tucker stated he has no report.

Chief Beloit stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Fire Chairman Rueger stated he has no report.

Asst. Chief Reese stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Sewer Chairman Angel was not present.

Supt. Givens stated he has no report.

Mayor Knowles asked if there were any questions ?

There were none.

Mayor Knowles asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Wolfe replied not at this time.

Mayor Knowles stated the first item on the Legal portion of the Agenda is finalizing the franchise agreement with Sigecom, but that is not ready yet, so they will have to table that until the next meeting.

Mayor Knowles stated the next item is an Ordinance to Amend Ord 05-27, the 2006 Appointed Officers and Employees Salary Ordinance, regarding Acting Water Supt. Gray and Supt. Givens' pay rates. She then asked if there was any discussion ?

Cecil Waters approached the podium and asked if Mayor Knowles could read the entire ordinance so that the Audience knew what they were voting on ?

Mayor Knowles replied sure and read the ordinance in its entirety.

Attorney Funkhouser stated the procedurally, they can either pass the ordinance as it, or as amended.

Mayor Knowles stated Supt. Givens is present if the Council wants to speak to him.

Councilwoman Askren moved the ordinance be amended from Wastewater Superintendent/Certified Operator at \$57,102 to Wastewater Superintendent/Certified Operator at \$45,000.00. Seconded by Councilman Cooper.

Mayor Knowles asked if there was any discussion ?

Councilman Cooper stated as they discussed in the Executive Session, Supt. Givens is doing three jobs, and that is too much. He added though it is a Board of Works decision, they should possibly look into making the Maintenance Supt/Foreman position and take that burden off Supt. Givens and then promote from within.

Mayor Knowles replied to lessen Supt. Givens' responsibilities.

Supt. Givens approached the podium and stated they are wanting to take the responsibility off of him now, but no one thought of that before until money became an option. He stated they can hire others, but the job is not the same, there is more responsibility. He added their testing requirements are going from five days, twice a day, to seven days, five times per day. He then stated he shifted the shifts all around to stop overtime from being paid out, to save money; the CSO issue is coming up and they have to be eliminated, that is all more responsibility. He added it will not fall on him but whoever steps up, let them step up and be responsible for it.

Mayor Knowles stated the Council also needs to remember that Mr. Epison was promoted to the Street Department, so the sewer plant is already one down there, Supt. Givens could have two people to train.

Supt. Givens agreed that was very true.

Mayor Knowles stated it will be more expensive to the taxpayer to bring in a foreman than paying Supt. Givens for both jobs.

Supt. Givens agreed they would be paying out more in the long run. He added he has been working hard in the city's relationship with IDEM, and he would like to start the new year and the new job with a clean slate. He added he has always tried to cut corners and save the city money.

Mayor Knowles agreed and added he has done a good job. She added one of her fears is IDEM and the other is that she feels that if someone has the same responsibilities and duties, they should be paid the same.

Councilman Tucker asked how many employees are at the sewer plant ?

Supt. Givens replied seven including himself.

Councilwoman Askren stated she appreciates the job that Supt. Givens is doing, and asked that he please not think she doesn't, he is doing a good job, but she believes some cross training needs to be done.

Mayor Knowles replied that some cross training wouldn't matter.

Councilwoman Askren added that Supt. Givens can't even take a vacation.

Councilman Tucker stated Supt. Givens should be commended, he has hung in there and been an employee for over 15 years, he got certified and worked hard. He then stated the Council moved up from Maintenance Foreman to Plant Superintendent without certifications.....

Mayor Knowles corrected Councilman Tucker and stated she moved him up.

Councilman Tucker replied and the Council agreed, but in the past, the superintendent was paid only \$5,000 more than other department heads, and the Council is willing to pay \$8,000 more in this case. He then stated the economy is bad and people take on extra responsibility without extra pay all the time; there has been a water and sewer rate increase; Vectren bill are high; gasoline is high.....He then stated the Council recognizes his responsibilities and is willing to give him \$8,000.00. He also added that he suggest Supt. Givens do some cross training, some delegating, it might help out, but it sounds like Supt. Givens is wanting the \$57,102 and all the duties.

Supt. Givens replied he has been doing it and he would tell them if he thought he couldn't handle it.

Councilman Tucker stated that they had a Street Commissioner/Water Superintendent and there were issues there, he was then removed from one position, there was just too much on his shoulders.

Mayor Knowles added Supt. Gray also worked for two departments and then stated that Supt. Givens said it isn't too much.

Councilman Tucker added that the sewer plant is also not making much money.

Mayor Knowles replied that is because their rate is based on water and water has some faulty meters out there.

Supt. Givens stated there have also been some unanticipated problems in 2005, hopefully they won't continue, so why pay out more money ?

Mayor Knowles agreed and added that training two people could cause a hardship.

Supt. Givens stated they would be going from seven to eight people.

Councilwoman Askren asked if no one else can do that job.

Mayor Knowles stated they will be spending more money.

Councilwoman Askren stated the Council feels differently about delegating.

Supt. Givens stated the Maintenance Foreman pay would make more than that right now, without overtime and holidays. He then stated he passed his testing and it seems now it was all for nothing.

Attorney Funkhouser stated he is not sure if the position of Maintenance Foreman is still included in the salary ordinance, if it is, they can not give a raise in 2006, if it isn't, it could be created.

Clerk-Treasurer Wolfe looked up the ordinance and added it was eliminated.

Mayor Knowles stated it is more expensive to hire someone else, and this is not really a raise for Supt. Givens, they are paying it out already to Mr. Dickman. She then asked if there was any further discussion ?

There was none.

She then requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - absent; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilman Cooper moved the rules be suspended. Seconded by Councilwoman Askren.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - absent; Cooper - yes.

Mayor Knowles stated the motion carried.

Councilwoman Askren moved the ordinance pass on second and third readings. Seconded by Councilman Cooper.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - absent; Cooper - yes.

Mayor Knowles stated the motion carried.

Clerk-Treasurer Wolfe added it will be numbered 05-42.

Councilman Cooper then moved the Board of Works look into delegating OR promoting from within for the position of Maintenance Foreman. Seconded by Councilwoman Askren.

Mayor Knowles asked for clarification.

Supt. Givens stated today in the 27th of December, Mr. Dickman will be gone Sunday, or is he gone ?

Councilman Cooper replied yes.

Supt. Givens stated he is not obligated to do his job.

Mayor Knowles stated what Supt. Givens is saying is that he is not willing to do the job for less than half the pay.

Supt. Givens stated after the last meeting he thought the Council was going to talk with him about things and no one ever did.

Councilman Tucker replied there is a reason why but he does not believe they can go into that now.

Mayor Knowles replied it is because of a letter they received from the city attorney, and that is why no one talked with Supt. Givens. Said letter was not sent until December 23, and they could have contacted Supt. Givens two weeks prior. She added she believed Mr. Dickman would be no longer be needed after December 31, 2005, she did not realize this would be an issue.

Attorney Funkhouser asked what Mr. Dickman is being paid.

Councilwoman Askren asked if now Supt. Givens is saying he can't do the job, with Mr. Dickman leaving now he isn't comfortable ?

Supt. Givens replied no, he is uncomfortable with the pay and does not understand.

Councilwoman Askren stated the Council did not say necessarily that they need to hire a full time new hire, just delegate.

Mr. Epison approached the podium and stated he has been at the sewer plant since May 12, 2004 and has worked with Supt. Givens, he has also heard about and seen the Stucki era. He added people like to compare the two, but Supt. Givens is doing two jobs and they pay for what they get. He added the city paid more for Stucki and had problems, Supt. Givens is doing everything right and not one council member has been at the plant while he has been on shift. He added the Council is looking at the larger number like a raise, but \$45,000 for a Plant Superintendent and a Certified Operator in one is a bargain. He added that the maintenance foreman position should be paid at least between \$35,000 and \$37,000, and then hiring another worker on top of that does not save the city money. He stated they should pay Supt. Givens the \$57,102.

Supt. Givens replied he does a good job, he knows he does, regardless of the pay.

Councilwoman Askren stated she has been down to the plant.

Councilman Rueger agreed with Supt. Givens, he knows he does an excellent job.

Supt. Givens stated he realizes that, he is not trying to give the Council a breakdown on everything he does, he is just saying how he feels.

Mayor Knowles stated she wants exact clarification on what the Council expects of the Board of Works, are they wanting to pay no more but for more responsibility ?

Councilwoman Askren replied no.

Supt. Givens stated they are running out of time, the pay difference in the past between water and sewer superintendents had been \$5,000, now they are the same.

Councilwoman Askren stated she also does not like that someone can walk into a position that someone else for 10 years and get the same pay.

Councilman Rueger stated his issue is how he answers to police and firemen who also have certifications and spend 15 weeks in Plainfield, how does he answer to them. He added police officers put a bullet proof vest before they walk out the door every night.

Mayor Knowles stated she realizes the city is low on pay in a lot of areas, she hopes to address that in the future.

Supt. Givens added that his certification is not required.

Attorney Funkhouser asked why Stucki was paid more ?

Mayor Knowles replied because of his certifications.

Councilwoman Askren stated what if the Police Chief decided to eliminate two officers and then decided to take on their duties and their pay ?

Mayor Knowles stated Supt. Givens was promoted.

Supt. Givens stated Mr. Dickman was temporary, an emergency type deal, so why was he paid so much ?

Mayor Knowles stated Mr. Dickman' was the minimal offer the city received, they got off cheap with him.

Supt. Givens stated things just don't stay the same.

Attorney Funkhouser stated if the pay raise happened over time, it should have been calculated in the ordinance every year, over time, if there was someone doing the job all along.

Councilman Cooper stated Mr. Stucki was already here and in place when he was on the Council the first time.

Attorney Funkhouser asked if the extra \$5,000 was for certifications ?

Councilman Cooper stated that was his understanding.

Attorney Funkhouser stated it probably needs to be that same way now.

Supt. Givens stated he will continue to do what he does, he is negotiable. He then stated he wants the job he has, and some justification.

Cecil Waters approached and stated that he is a former member of this Council and he believes Mr. Stucki had several certifications, more than one.

Mayor Knowles added that so does Supt. Givens.

Supt. Givens stated he knows that is not true, one certification supercedes the other.

Mayor Knowles stated she is still waiting for clarification on delegating some of Supt. Givens jobs and hiring someone else.

Councilwoman Askren stated Supt. Givens knows.

Councilman Tucker stated if the Council had left the water superintendent pay where it was, the same as every other department head, they would not be in this position now. He added he was under the impression the city needed a water superintendent that was certified, now they are in a bind with the sewer superintendent.

Councilman Cooper stated he feels they need to offer the sewer superintendent what had been offered in the past, \$5,000 more.

Supt. Givens replied that is fine with him.

Mayor Knowles stated it is a compromise and is consistent.

Councilman Tucker asked about the maintenance foreman position ?

Mayor Knowles replied leave it alone and make no recommendation to the Board of Works.

Supt. Givens stated he is willing to do the job without a maintenance foreman.

Mayor Knowles agreed that would be the best thing.

Councilman Cooper moved his original motion be withdrawn. Seconded by Councilman Rueger.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles then requested a roll call vote.

Roll was called by the Clerk-Treasurer with the Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - absent; Cooper - yes.

Mayor Knowles stated the motion carried unanimously.

Councilman Cooper moved they amend Ord. 05-42, and do as they had in the past and pay the waste water superintendent an extra \$5,000 for a total salary of \$50,000.00.
Seconded by Councilman Rueger.

Mayor Knowles asked if there was any discussion ?

There was none.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - no; Rueger - yes;

Angel - absent; Cooper - yes.

The motion carried.

Councilman Cooper moved the rules be suspended. Seconded by Councilman Rueger.

Mayor Knowles requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - no; Rueger - yes;

Angel - absent; Cooper - yes.

Mayor Knowles stated the original salary of \$45,000 is in place.

Mayor Knowles asked now what happens at the plant, there will be no one to sign paperwork, the Council just caused utter chaos at the plant.

Councilman Cooper replied Supt. Givens can sign.

Councilwoman Askren agreed but added he won't since he did not get the raise.

Councilman Tucker stated that was a raise.

Supt. Givens stated if the waste water superintendent always made \$5,000 more in the past, why is that not the same now.

Councilman Tucker stated they are beating a dead horse, he voted that way, and that is the way it is.

Mayor Knowles stated she would like to go on record as the Mayor of the City of Mount Vernon that she is not comfortable paying a different salary for the same duties, she feels it is unfair to not pay for work that someone is doing.

Councilman Tucker replied they are paying him, an \$8,000 raise, there are six guys down at the plant, delegate.

Mayor Knowles stated they also paid one of the others \$20,000 to do what Supt. Givens is doing.

Councilwoman Askren stated Mr. Dickman was a temporary fix.

Mayor Knowles stated this is one issue that they will never agree on.

Supt. Givens stated he thought they had reached a compromise, but not with a \$5,000 difference. He added he knew \$20,000 was out of the picture, but the \$5,000 difference should have stayed the same.

Councilman Cooper stated by continuing to discuss this, they are trying to talk someone out of voting they way they wanted to, he feels they should move on.

Councilman Tucker stated he had so many contacts against the \$20,000, people thought it was totally ludicrous.

Mayor Knowles stated it is not ludicrous, they paid someone else to do it. She added this still clears nothing up with the Board of Works, they may still be keeping Mr. Dickman if Supt. Givens doesn't take it.

Councilwoman Askren replied they may have to just advertise in the paper.

Mayor Knowles asked if anyone in the Audience wished to address the Council ?

There was no response.

Mayor Knowles asked if there was any Old Business ?

Councilman Tucker stated several weeks back they had issues, and people in the audience, concerning the Kimball/Bluff Road area. He stated they recently had another problem, and he feels truck traffic should be off of there, the state is very slow.

Mayor Knowles stated she contacted INDOT and was told by an engineer that project usually take between six and eight years, though they did agree this project had merit and indicated there may be a discretionary pot of money they could use. They stated it was a viable project, though they have no timetable.

Councilman Tucker stated he is not willing to wait that long, but if the Mayor wants to contact them again and hopefully pin them down, fine, but by the next meeting, he would like to take a different approach. He stated if they pass on ordinance to keep trucks off that road, INDOT will sit up and take notice.

Mayor Knowles asked if Councilman Tucker could please bring the list of annexation issues that he has to the next meeting, she would like to get started on resolving that.

Mayor Knowles stated they will now hear the reports of the Districts.

1st District Councilwoman Askren stated she has no report.

2nd District Councilman Tucker stated he has no report.

3rd District Councilman Rueger stated he has no report.

4th District Councilman Angel was not present.

Councilman-at-Large Cooper stated he has no report.

Mayor Knowles stated she received a call from County Clerk Dave Angermeier requesting a handicapped spot near the clerk's office new temporary location, it would be for between eight and twelve months. She added she was wondering if one of the four spots they gave the county court earlier could be made a handicapped spot.

Councilman Rueger stated he has no problem with the request, but he feels the county should put up the signs themselves.

Mayor Knowles stated she also received a complaint from a downtown merchant about the four spots they have the court, but she does not think four spots was outrageous, she thought it was a courtesy.

Councilman Cooper stated one of those four being turned into a handicapped spot is fine, the signs should be at their cost though.

Mayor Knowles stated she will now make the 2006 appointments.

Police & Dog Councilwoman Askren

Fire Councilman Tucker

Sewer Councilman Rueger

Street Councilman Angel

Mayor Knowles continued by stating Board of Works members will be Councilwoman Askren and Shawn Duckworth.

Councilwoman Askren asked if that was legal ?

Attorney Funkhouser replied the city ordinance says the Board members have to be councilmen, but the state statute disagrees.

Mayor Knowles stated having the Board consist of all Council members is restricting her executive authority.

Attorney Funkhouser stated that is power that should be exercised freely.

Mayor Knowles stated there was a precedent set when former Mayor Higgins had Sherry Willis on the Board for six months.

Councilman Tucker stated there is accountability on that Board, and as elected officials it is nice to know what is going on in the city, all but water, civilians are only accountable to the Mayor.

Mayor Knowles stated she feels government should be overseen by the private sector, having them see what we are doing.

Councilman Cooper stated the Council was elected to do that, he prefers having Council members on the Board, that is just his opinion.

Councilman Tucker stated that is part of it, that is where the majority of the city business is done and then when you are out in public you can speak on issues knowledgeably.

Mayor Knowles stated again, they will never agree on this. She added councilmen on the Board restricts her and keeps her from doing her job.

Councilman Cooper stated if the council does not agree with this, they can't very well ask Attorney Funkhouser.

Attorney Funkhouser stated he would have a divided interest and that makes him very uncomfortable, eventually he would have to step up and pick a side, and he does serve at the Mayor's pleasure. He then added in the past, he has tried to be as objective as possible, sometimes giving legal advice to a councilmember which is in favor of the councilperson's position, rather than the Mayor's. On contentious issues such as the appointment of board of works members where the Mayor and the Council are so far apart, he cannot give advice to both.

Councilman Tucker stated but he also has duties to the Council.

Councilman Cooper stated if the Council does not agree, then what ?

Attorney Funkhouser replied they would have to hire an attorney, and he then stated the Council can hire an attorney for the limited purpose of dealing just with this board of works appointment issue or they can keep an attorney on retainer for all contentious issues.

Councilman Cooper moved the Council hire their own attorney. Seconded by Councilman Tucker.

Mayor Knowles asked if there was any discussion ?

Attorney Funkhouser stated this does not hurt his feelings in the least.

Councilman Cooper stated he does not want to put Attorney Funkhouser in a bad situation, he has done a good job, but he can't do both sides.

Mayor Knowles asked if they will be hiring on a part time temporary basis, or what is the scope ?

Councilman Cooper stated to use as much as they need to, if not, they won't use one.

Mayor Knowles asked since she signs all contracts, who would sign this ?

Attorney Funkhouser replied the Council would have to.

Mayor Knowles stated if there was no further discussion, she requests a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Askren - yes; Tucker - yes; Rueger - yes;

Angel - absent; Cooper - yes;

Mayor Knowles stated the motion carried unanimously.

Mayor Knowles stated other appointments are the Solid Waste Management District.

Councilman Rueger stated he will take that.

Mayor Knowles stated the also have an appointment to the Area Plan Commission.

Councilman Rueger moved Councilman Angel be placed on the Area Plan Commission.
Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Knowles stated if there were no further business, she entertains a motion to adjourn.

Councilman Rueger moved the meeting be adjourned. Seconded by Councilman Cooper.

Mayor Knowles stated all those in favor of the motion should signify in the affirmative; and following the vote, she reported the motion carried and adjourned the meeting.

Rosemary L. Knowles

Mayor

ATTEST:

Cristi L. Wolfe

Clerk-Treasurer